

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3287 OF 2006  
IN  
SUIT NO.2739 OF 2006

Ajanta Pharma Ltd. ...Plaintiff.

V/s.

M/s.G.T.Pharma Limited ...Defendant.

Mr.Manish Saurastri a/w mr.Utkarsh Tewari i/b Shantilal  
& Co. for the Plaintiff.

None for the Defendant.

CORAM: S.J.VAZIFDAR, J.

DATED: 27TH SEPTEMBER, 2006.

**P.C.:**

1. Leave under rules 147 and 148 of the High Court of Judicature at Bombay (O.S.), 1980 granted to the Plaintiff to take out a Notice of Motion in terms of the draft Notice of Motion handed in. Notice of Motion returnable after eight weeks.

2. The suit is filed inter-alia for infringement of copyright and trade mark. The plaintiff's copyright and trade mark are registered.

3. The Plaintiff's works are at Exhibits "A" and "B" to the plaint. Exhibit "A" is the label. The background is white. There are running parallel to each other, dark blue, white and gray lines. The strips are

vertical from the top in part, then bend in the horizontal direction and ultimately before the end of the label proceed vertically downwards. The dark blue line is wider than the white and gray lines. In addition thereto, there is a device of a stomach with a fire burning therein.

4. The Defendant's work is at Exhibit "I". The lines/bends are in an identical direction. They are identical in width and colour. There is also the device of a stomach with a fire burning therein though it is orange in colour.

5. The Plaintiff has therefore made out a strong prima-facie case of infringement of copyright and trademark. I have permitted the Plaintiff to make the application without notice to the Defendant as giving of the notice of this application would render the same infructuous. In this regard the statements in paragraph 27 of the Plaint are accepted.

6. In the circumstances, the Notice of Motion is made absolute in terms of prayers (a), (b) and (d) except the portions bracketed in red.

7. For the reasons mentioned above, the Plaintiff

shall comply with the provisions of Order 39 Rule 3 of the Code of Civil Procedure one week after the Court Receiver takes possessions.

8. The parties to act on an ordinary copy of this order duly authenticated by the Personal Assistant.